

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

LAVENTA HARRIS

Plaintiff,

v.

**LEE COUNTY SHERIFF'S
DEPARTMENT,**

Defendant.

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CASE NO.: 3:08-cv-00246

DEMAND FOR JURY

**RESPONSE TO DEFENDANT'S MOTION TO DISMISS AND
MOTION FOR LEAVE TO AMEND COMPLAINT**

COMES NOW, Laventa Harris, the Plaintiff in the above-captioned matter, and files her response to the Defendant's motion to dismiss and motion for leave to amend complaint and shows the following unto this Court:

1. Plaintiff stipulates that the Lee County Sheriff's Department is not a legal entity to be sued.
2. Plaintiff requests the Court allow her to delete the Lee County Sheriff's Department as the named Defendant and add Sheriff Jay Jones, Lee County Sheriff, in his official and individual capacity, and Deputy Bill McGuire of the Lee County Sheriff's Department, in his official and individual capacity, as Defendants.
3. Amended Complaint is filed simultaneously with this response and request to amend complaint.

Respectfully submitted this 9th day of May, 2008.

/s/Kathryn Dickey
Kathryn Dickey (ASB 8797-d57k)
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of May 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system the following attorney of record: Daryl L. Masters

/s/ Kathryn Dickey
OF COUNSEL